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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/819,920	03/29/2001	Yoshiaki Komatsu	108631	4360
25944	7590	02/03/2005	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			NGUYEN, KEVIN M	
			ART UNIT	PAPER NUMBER
			2674	

DATE MAILED: 02/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/819,920

**Applicant(s)**

KOMATSU, YOSHIAKI

**Examiner**

Kevin M. Nguyen

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 12-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 12-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This office action is made in response to applicant's amendment filed on 09/23/2003. Claim 11 is cancelled, claims 1-10 and 12-14 are amended, and claims 1-10 and 12-14 are currently pending in the application. An action follows below:
2. Applicant's arguments, see page 7, filed 09/23/2003, with respect to the rejection of claims 1-14 under previous rejection have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Imai et al (US 5,818,436).

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-10 and 12-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Imai et al.
4. As to claims 1 and 8, Imai et al teaches an apparatus associated with a program, the apparatus comprising: a recording unit (fig. 1) including
  - a. A recording mode selecting device is defined by a recognizing section 10 is an input by pen of the user (a recording position designating portion, see detail in fig. 2, col. 6, lines 27-35) for designating a certain position in an input area 230 (see detail in fig. 5).

- b. A recording switch is defined by a sound outputs at a recording start signal T1 and a recording end signal T2 of sound data in response to a switching of the switch (see detail in fig. 7).
  - c. A coordinates on data detecting device is defined by see detail in fig. 2.
  - d. A designed coordinate data storing device is defined by a first table stores the coordinate data (see detail in fig. 3, col. 6, lines 37-46).
  - e. A written information inputting device includes a tip for inputting written information by a certain position in the input area 230 (see detail of first table B in fig. 4, col. 7, lines 16-25). An easer stroke (see detail of first table A in fig. 4, col. 7, lines 1-7).
  - f. The recorded sound data at the time when the specified pen stroke was input is played back, as shown in Fig. 8b (col. 8, line 64 through col. 9, line 2).
5. As to claims 2 and 9, Imai et al teaches an apparatus associated with a program, the apparatus comprising: FIG. 2 shows the operation of the system in the present embodiment during recording. First, the continuous data recording section 1 records sound data in the form of audio signals during a conference. The input event storage section 3 comprises a first table for linking input events with time data and a second table for linking locations on a display with entries in the first table (col. 6, lines 20-26).
6. As to claims 3 and 10, Imai et al teaches an apparatus associated with a program, the apparatus comprising: the recorded sound data can be partially played back and this playback can be carried out while recording in the conference, and an action for this playback is also construed as one of input events in a broader sense.

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When playing back a desired part of the sound data, a user will specify displayed characters and figures, saying "let's consider by playing back this part", and this specified spot is entered in the first table at portion "C" in FIG. 4 by combining the time data when the spot is specified with an identifier indicating that the input is "playback." (col. 7, lines 26-35).

7. As to claim 4, Imai et al teaches the "normal stroke" mode when the posture of the pen is normal, and the "eraser" mode when the pen is upside down (col. 7, lines 7-10).

8. As to claims 5 and 6, Imai et al teaches an apparatus associated with a program, the apparatus comprising: when the pen is pressed down and a stroke is made, the current time and a sequence of coordinate points showing the stroke of the pen are recorded in the first table (operation A). At the same time, a linkage between the entry in the first table and the displayed location on the screen is written into the second table (operation C). The event inputted by the pen at this time is displayed on the screen and is sent to the displaying section 8 at the time of playback to display on the screen (operation B) (col. 6, lines 27-35).

9. As to claim 7, Imai et al teaches when the pen is pressed down and a stroke is made, the current time and a sequence of coordinate points showing the stroke of the pen are recorded in the first table (operation A). Thus, the digitizer comprises inherent the switch on/off.

10. As to claim 12, Imai et al teaches an apparatus associated with a program, the apparatus comprising: when a virtual "eraser" for erasing the stroke as shown in FIG. 4

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is used, an identifier of "eraser" is entered in the attribute field in portion "A" of the first table. Whether a sequence of coordinate points detected as a stroke has been made as a "normal stroke" or by "eraser" can be determined by a button to be pressed on the pen indicating each mode, or a sensor which recognizes its posture on the pen (col. 7, lines 1-7). It is obvious to provide to erases the sound data if all o the stroke is erased.

11. As to claims 13 and 14, Imai et al teaches when the pen is pressed down and a stroke is made, the current time and a sequence of coordinate points showing the stroke of the pen are recorded in the first table (operation A). Thus, the recording switch is disposed on the digitizer.

### ***Response to Arguments***

12. Applicant's arguments with respect to claims 1-10 and 12-14 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Kevin M. Nguyen** whose telephone number is **703-305-6209**. The examiner can normally be reached on MON-THU from 9:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Richard A Hjerpe** can be reached on **703-305-4709**.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

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**or faxed to:**

**(703) 872-9306 (for Technology Center 2600 only)**

Hand-delivered response should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Kevin M. Nguyen  
Patent Examiner  
Art Unit 2674

KN  
January 14, 2005

  
**XIAO WU**  
**PRIMARY EXAMINER**